

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-4 and 6-13 are currently pending. Claims 1, 2, 9, 10, 12, and 13 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-4 and 6-13 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,245,982 to Suzuki et al. (hereinafter “the ‘982 patent”).

Amended Claim 1 is directed to a data providing apparatus for editing image data in response to a demand transmitted from a data processing apparatus through the Internet, the data providing apparatus comprising: (1) first acquisition means for acquiring one or more scenarios, each scenario comprising a plurality of video scenes and each video scene lasting for a predetermined period of time, in response to a demand made by a user of the data-processing apparatus using a web browser; (2) second acquisition means for acquiring a predetermined number of image data items that are used in each scenario, in response to a demand made by the user of the data-processing apparatus using the web browser; (3) user video-data management means for storing the one or more scenarios and the image data items; (4) receiving means for receiving the image data items transmitted by the user from the data-processing apparatus through the Internet using the web browser; (5) means for selecting the image data items acquired by the second acquisition means and for allocating the image data items to video scenes of a scenario acquired by the first acquisition means; and (6) editing means for editing the image data items that are received by the receiving means and

allocated to the video scenes of the acquired scenario. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.¹

The '982 patent is directed to a method of creating and reproducing image information representing a manner of playing a piece of music, which can be displayed while playing the piece of music. The '982 patent discloses that a plurality of motion components are stored in a motion component database, wherein each motion component includes a trajectory of a portion of a player or musical instrument, and at least one performance method that is typical of a musical instrument or part. See '982 Figure 8, which shows the trajectory information of a drummer's head in the graph. See also '982 Figure 4A, which shows the trajectory of a person's head, midsection, and foot. Further, the '982 patent discloses that the motion components can be combined with performance information related to the performance of the music to create sequence information that controls an animation image as the music is played. Thus, the '982 patent discloses that the motion of a person or a musical instrument can be controlled and that a sequence of frames can be generated based on the stored trajectory information of the person or the musical instrument.²

However, Applicant respectfully submits that the '982 patent fails to disclose a data providing apparatus for editing image data in response to a demand transmitted from a data processing apparatus through the Internet. In particular, Applicant respectfully submits that the '982 patent fails to disclose first acquisition means for acquiring one or more scenarios, each scenario comprising a plurality of video scenes and each video scene lasting for a predetermined period of time, in response to a demand made by a user of the data-processing apparatus using a web browser, as recited in amended Claim 1. The '982 patent does not disclose that a user of a data processing apparatus makes a demand to acquire one or more scenarios using a web browser. Further, Applicant respectfully submits that the '982 patent

¹ See, e.g., Figures 1 and 6 and the discussion related thereto in the specification.

² See page 12 of the '982 patent.

fails to disclose acquiring one or more scenarios, each scenario comprising a plurality of video scenes and each video scene lasting for a predetermined period of time, as recited in Claim 1. Rather, the motion component database disclosed by the '982 patent stores coordinates and trajectory information of image objects, which are later coordinated with the music to generate a sequence of frames. However, the '982 patent does not disclose a scenario comprising a plurality of video scenes that last for a predetermined period of time, as recited in amended Claim 1. Rather, the '982 patent discloses editing and creating a sequence of *individual* frames and designating the trajectory of various components within each frame.

Further, Applicant respectfully submits that the '982 patent fails to disclose second acquisition means for acquiring a predetermined number of image data items that are used in each scenario, in response to demand made by the user of the data processing apparatus using the web browser. It is unclear to Applicant how the outstanding Office Action differentiates between the claimed video scenes and the claimed image data items that are used in each scenario. Further, as discussed above, the '982 patent fails to disclose the claimed web browser.

Further, Applicant respectfully submits that the '982 patent fails to disclose receiving means for receiving the image data items transmitted by the user from the data processing apparatus through the Internet using the web browser.

Further, Applicant respectfully submits that the '982 patent fails to disclose means for selecting the image data items acquired by the second acquisition means and for allocating the image data items to video scenes of a scenario acquired by the first acquisition means, as recited in Claim 1. The '982 patent does not disclose allocating image items to video scenes, as required by Claim 1. As discussed above, the '982 merely discloses the generation of image sequences by designating trajectories of image objects and coordinating those with the

timing of the music. As discussed above, it is unclear to Applicant what the outstanding Office Action is equating with the claimed image data items and what the outstanding Office Action is equating with the claimed video scenes.

Accordingly, for the reasons stated above, Applicant respectfully submits that the rejection of Claim 1 (and dependent Claims 2-4, 6-8, and 11) are rendered moot by the present amendment to Claim 1.

Independent Claims 9, 10, and 12 recite limitations analogous to the limitations recited in Claim 1. Moreover, Claims 9, 10, and 12 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for reasons analogous to the reasons stated above for the patentability of Claim 1, Applicant respectfully submits that the rejection of Claims 9, 10, and 12 (and dependent Claim 13) are rendered moot by the present amendment to the independent claims.

Thus, it is respectfully submitted that independent Claims 1, 9, 10, and 12 (and all associated dependent claims) patentably define over the '982 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 03/06)
KMB/rac

Kurt M. Berger, Ph.D.
Registration No. 51,461